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**FULBRIGHT & JAWORSKI L.L.P.**

A REGISTERED LIMITED LIABILITY PARTNERSHIP  
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March 19, 2002

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10026977

CERTIFICATE OF MAILING  
37 C.F.R 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date below:

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Commissioner for Patents  
Washington, DC 20231

RE: SN 09/772,520 "PLANTS AND SEEDS OF CORN VARIETY I026458" - Francis L. Garing; Client Ref. [34-63(52321)]

Commissioner:

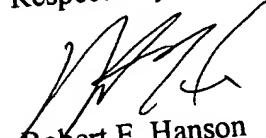
Enclosed for filing in the above-referenced patent application is:

- (1) A Preliminary Amendment with Appendix A - Marked-Up Version of Amended Claims and Appendix B - Clean Copy of Pending Claims Following Entry of the Instant Amendment; and
- (2) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/10026977/10056.

Commissioner for Patents  
March 19, 2002  
Page 2

Respectfully submitted,



Robert E. Hanson  
Reg. No. 42,628

REH/jmh  
Encl.: As noted



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#61/A  
PATENT 4/4/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Francis L. Garing

Serial No.: 09/772,520

Filed: January 29, 2001

For: PLANTS AND SEEDS OF CORN  
VARIETY I026458

Group Art Unit: 1638

APR 01 2002

Examiner: Unknown

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Atty. Dkt. No.: DEKA:276US/REH

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03/19/02

Date

Robert E. Hanson

PRELIMINARY AMENDMENT

Hon. Commissioner for Patents  
Washington, D.C. 20231

Sir:

Please amend the application as indicated below.

**In the Claims:**

Please amend claims 1, 2, 5, 14-15, 17, 20-22 and 30-31 as follows:

1. (Amended) A seed of the corn variety I026458, wherein a sample of the seed of the corn variety I026458 was deposited under ATCC Accession No. PTA-3228.
  
2. (Amended) A population of seed of the corn variety I026458, wherein a sample of the seed of the corn variety I026458 was deposited under ATCC Accession No. PTA-3228.